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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/509,880

08/16/2005

Harald Schrott

4959

7590 06/27/2008
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EXAMINER

CECIL, TERRY K

ART UNIT

PAPER NUMBER

1797

MAIL DATE

DELIVERY MODE

06/27/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/509,880	Applicant(s) SCHROTT ET AL.	
	Examiner Mr. Terry K. Cecil	Art Unit 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6-2-2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/04/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are indefinite because of the following reasons:

- The following terms lack antecedent basis: “the housing” (claim 3).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

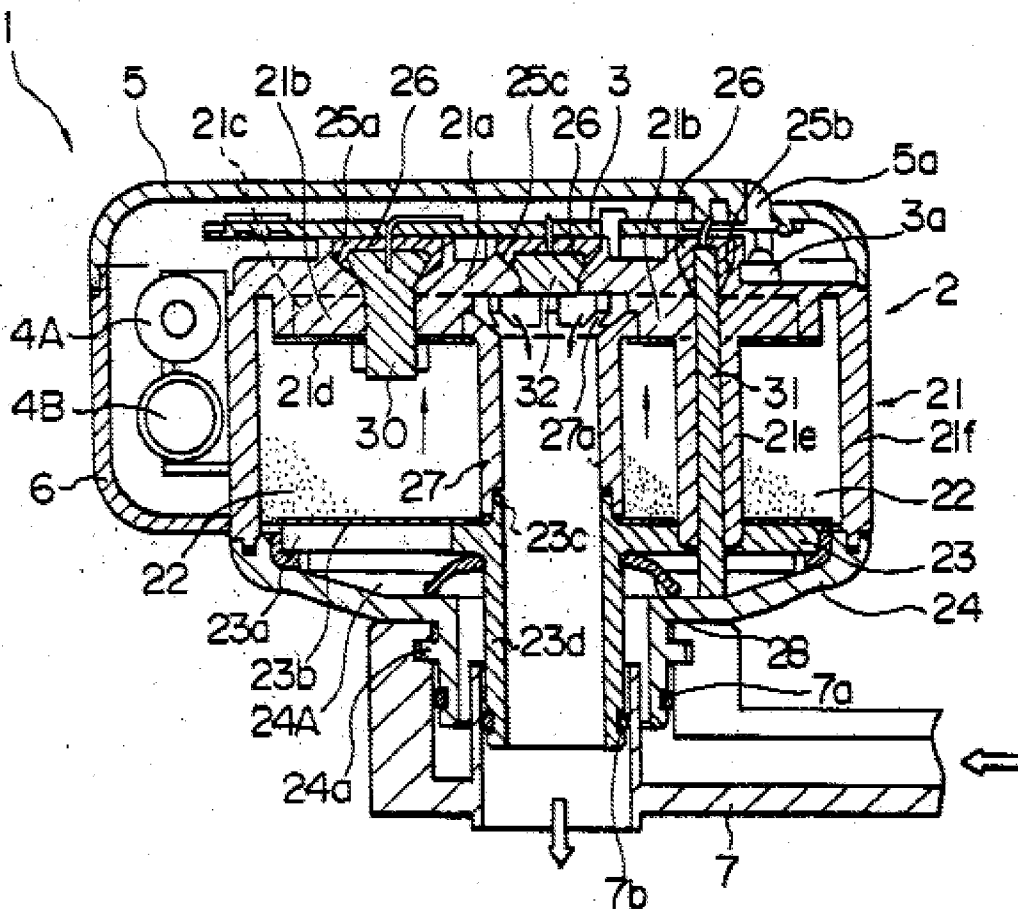
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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4. Claims 1-7 and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Oikawa et al. (U.S. 5,281,330).



Applicant's claim 1 is in Jepson format such that the limitations in the preamble (as well as the limitation of claim 13] are admitted prior art. Oikawa teaches a control unit including a circuit board 3 and two conductance sensors 30, 31, and 32, wherein 32 measure the conductance of filtered water and 31 measures unfiltered water [as in claims 1-2 and 5]. Filter 22 is placed within a housing 21, the sensors project into the housing in corresponding passages [as in claims 3 and 4]. The circuit board is the electronic evaluation unit further connected to a "display" LED 3a [as in claims 6 and 10]. Sensors 31 and 32 are used to detect whether water is flowing

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through the filter (the sensed filter condition) [as in claim 7]. The grooves in the housing and the epoxy 26 is considered to be the broadly claimed catch fastening elements [as in claims 11-12 and 14]. It is considered that it would have been obvious to one ordinarily skilled in the art at the time of the invention to have the control sensing unit of Oikawa in Applicant's admitted prior art, since Oikawa teaches the benefits of determining when water is flowing through the device and preventing microbial growth.

5. Claims 1-2, 5-7, 9-10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Joung et al. (U.S. 5,820,765). Joung teaches a control unit including a sensing unit having two conductance sensors measuring unfiltered and filtered water respectively [as in claims 1-2 and 5]. An electronic evaluation unit (figure) determines the condition of the filter cartridge by the measurements from the sensors and also time (col. 4, lines 25-31) and displays such a condition 240 [as in claims 6-7 and 9-10]. The limitation of claim 13 is admitted prior art. It is considered that it would have been obvious to one ordinarily skilled in the art at the time of the invention to have the control sensing unit of Joung in Applicant's admitted prior art device, since Joung teaches the benefit of accurately determining the filter condition.

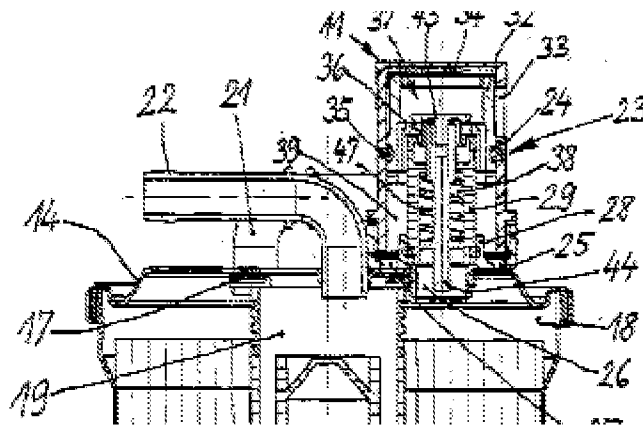
6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over either of the rejections of sections 4 or 5, and in further view of King (U.S. 4,587,518). King teaches an evaluation unit further including a temperature sensor. It is considered that it would have been obvious to one ordinarily skilled in the art at the time of the invention to have the temperature

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sensor of King in the sensing unit in either of the prior art rejections of sections 4 and 5, since King teaches the benefit of temperature-corrected signals for increased accuracy of conductance measurement.

Examiner's Note

7. DE 10130380 makes clear that other types of catch fasteners are known for filter sensors.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Terry K. Cecil whose telephone number is (571) 272-1138.

The examiner can normally be reached on 8:00a-4:30p M-F..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Sample can be reached on (571) 272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mr. Terry K. Cecil/
Primary Examiner, Art Unit 1797

tkc